

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BARRY VALLEN,

Plaintiff,

MEMORANDUM & ORDER  
16-CV-2632 (JS) (ARL)

-against-

CAROL HALL,

Defendant.

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APPEARANCES

For Plaintiff: Barry Vallen, pro se  
0142991  
Pilgram Psychiatric Center  
998 Crooked Hill Road, Ward 401  
West Brentwood, New York 11717

For Defendants: Lori L. Pack, Esq.  
New York State Attorney General Office  
300 Motor Parkway, Suite 205  
Hauppauge, New York 11788

SEYBERT, District Judge:

On March 22, 2019, this Court dismissed Plaintiff's claims against defendant Carol Hall without prejudice and with leave to amend. (See Mem. & Order, D.E. 27.) The Court warned Plaintiff that "failure to file an Amended Complaint under Docket No. 16-CV-2632 within thirty (30) days of the date of this Order will result in dismissal of the case with prejudice" and "his failure to timely file an Amended Complaint will lead to the dismissal of his complaint against Hall WITH PREJUDICE and the case will be closed." (Mem. & Order at 20, 19.)

Well over thirty days have elapsed since this Court's Order, and Plaintiff has not filed an Amended Complaint or otherwise taken any action to prosecute this case.<sup>1</sup> Thus, in accordance with the prior Order, all claims against defendant Hall are DISMISSED WITH PREJUDICE.

Given Plaintiff's pro se status, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal taken from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for purposes of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 920-21, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the pro se Plaintiff, to enter judgment accordingly, and to mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 30, 2019  
Central Islip, New York

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<sup>1</sup> After this Court's March 22, 2019 Order, Plaintiff filed notice of an interlocutory appeal. (D.E. 28). By Mandate of the Second Circuit Court of Appeals, the appeal was dismissed as Plaintiff failed to pay the fee or move for in forma pauperis status. (Mandate, D.E. 29.)